

### **REMARKS**

Applicants thank the Examiner for total consideration given the present application. Claims 1-18 remain pending. Claims 2-6 and 8-18 have been amended added through this Reply. Claims 1, 7, and 13 are independent. Favorable reconsideration and allowance of the present application are respectfully requested in view of the following remarks.

### **SCOPE OF CLAIMS NOT ALTERED**

Claims 2-6 and 8-19 have been amended merely to address informal issues and to enhance clarity. It is intended that the scope of the claims remain substantially the same. Applicants respectfully submit that the amendments made to claims do not add any new matter to the application and they are not narrowing, and are not made for a reason relating to patentability.

### **35 U.S.C. § 101 REJECTION**

Claims 13-18 stand rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter.

Claim 13 now recites,

A computer-readable storage medium having a computer program stored therein, the computer program causes a computer to execute a method for generating an album based on album data including at least one image data set, which has been photographed during a trip and which has time data representing a time of photography attached thereto, the program comprising the procedures of:

obtaining travel route data, which includes data related to the route taken during the trip and times of passage through desired positions along the route;

estimating a photography location based on the travel route data and the time data;

obtaining related data, related to the estimated photography location, from a related data storage means that stores a plurality of related data sets; and

generating album data based on the obtained related data and the image data set.

Claim 13 as amended now recites “A computer-readable storage medium having a computer program stored therein, the computer program causes a computer to execute a method,” as set forth above. Applicants believe that Claims 13-18 meet requirement under 35 U.S.C. § 101. Accordingly, Applicant respectfully requests that the rejection of claims 13-18, based on 35 U.S.C. § 101, be withdrawn.

### 35 U.S.C. § 102 REJECTION – MURASHITA

Claims 1-4, 6-10, 12-16, and 18 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Murashita (USPN 2002/0186412 A1) (hereinafter “Murashita”). Applicants respectfully traverse this rejection.

For a Section 102 rejection to be proper, the cited reference must teach or suggest each and every claimed element. *See M.P.E.P. 2131; M.P.E.P. 706.02*. Thus, if the cited reference fails to teach or suggest one or more elements, then the rejection is improper and must be withdrawn.

In this instance, Murashita fails to teach or suggest each and every claimed element. For example, independent claim 1 recites,

A method for generating an album based on album data including at least one image data set, which has been photographed during a trip and which has time data representing a time of photography attached thereto, comprising the steps of:

obtaining travel route data, which includes data related to the route taken during the trip and times of passage through desired positions along the route;

estimating a photography location based on the travel route data and the time data;

obtaining related data, related to the estimated photography location, from a related data storage means that stores a plurality of related data sets; and

generating album data based on the obtained related data and the image data set.

Applicants would like to point out that Murashita fails to teach or suggest estimating a photography location based on the travel route data and the time data, as recited in claim 1. In addition, Murashita fails to teach or suggest obtaining related data, related to the estimated photography location, from a related data storage means that stores a plurality of related data sets. Murashita discloses a system that includes an image obtaining apparatus and a means for obtaining site information representing a site at which the image has been obtained, a means for obtaining subject information identifying a subject of the image, and a means for labeling the image, which is to be stored into a storage device. However, Murashita merely discloses correctly attaching the information to the image. Murashita fails to teach or suggest estimating a photography location and obtaining related data, related to the estimated photography location.

Similarly, claim 7 recites,

An album generating apparatus that generates album data including at least one image data set, which has been photographed during a trip and which has time data representing a time of photography attached thereto, comprising:

travel route data obtaining means for obtaining travel route data, which includes data related to the route taken during the trip and times of passage through desired positions along the route;

photography location estimating means for estimating a photography location based on the travel route data and the time data;

a related data storage means for storing a plurality of related data sets;

a related data obtaining means for obtaining related data, related to the estimated photography location; and

album data generating means for generating album data based on the obtained related data and the image data set.

Applicants would like to point out that Murashita fails to teach or suggest photography location estimating means for estimating a photography location based on the travel route data and the time data, as recited in claim 7. In addition, Murashita fails to teach or suggest a related data obtaining means for obtaining related data, related to the estimated photography location.

Moreover, claim 13 recites, a computer-readable storage medium having a computer program stored therein, the computer program causes a computer to execute a method as set forth

in Claim 1. Applicants would like to point out that Murashita fails to teach or suggest estimating a photography location based on the travel route data and the time data, as recited in claim 13. In addition, Murashita fails to teach or suggest obtaining related data, related to the estimated photography location, from a related data storage means that stores a plurality of related data sets.

Therefore, for at least these reasons, independent claims 1, 7, and 13 are distinguishable from Murashita. Claims 2-4, 6, 8-10, 12, 14-16, and 18 depend from claims 1, 7, and 13, directly or independently. Therefore, for at least the reasons stated with respect to claim 1, 7, and 13, claims 2-4, 6, 8-10, 12, 14-16, and 18 are also distinguishable from Murashita.

Accordingly, Applicant respectfully requests that the rejection of claims 1-4, 6-10, 12-16, and 18, based on Murashita, be withdrawn.

#### 35 U.S.C. § 103 REJECTION – MURASHITA IN VIEW OF KING ET AL.

Claims 5, 11, and 17 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Murashita in view of King et al (USPN 2003/0078078) (hereinafter “King”).

As set forth, Murashita fails to teach or suggest estimating a photography location based on the travel route data and the time data and obtaining related data, related to the estimated photography location, from a related data storage means that stores a plurality of related data sets. In addition, King fails to teach or suggest the above limitation to supplement Murashita’s missing feature.

As set forth on page 10 of the Office Action, the Examiner relies on King as allegedly pertaining to incremental features of the above listed dependent claims. The Examiner’s reliance on King, however, fails to make up for the deficiencies of Murashita discussed above with respect to Claim 1. Therefore, the asserted combination of Murashita and King (assuming these references may be combined, which applicant does not admit) fails to establish prima facie obviousness of any pending claims.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Conclusion

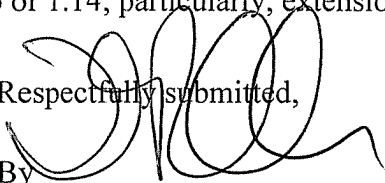
In view of the above remarks, it is believed that claims are allowable.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact D. Richard Anderson Reg. No. 40, 439 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

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Respectfully submitted,



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